

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the twenty-first day of December 2005, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman
Rebecca Anderson, Member
John Gober, Member
Lawrence Korzeniewski, Member
Michael Myszka, Member
Steven Socha, Member
Melvin Szymanski, Member

EXCUSED: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Robert Labenski, Town Engineer
Leonard Campisano, Asst. Building & Zoning Inspector
John Dudziak, Deputy Town Attorney
Mary Nowak, Recording Secretary

December 21, 2005

Planning Board Members: Stanley J. Keysa, Chairman
Rebecca Anderson
John P. Gober
Lawrence Korzeniewski
Michael Myszka
Steven Socha
Melvin Szymanski

Town Board Members: Robert H. Giza
Daniel Amatura
Mark A. Montour
Ronald Ruffino, Sr.
Donna G. Stempniak

Town Engineer: Robert Labenski

Deputy Town Attorney: John M. Dudziak

Highway Superintendent: Richard L. Reese, Jr.

Building & Zoning Inspector: Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held December 21, 2005. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Stanley J. Keysa
Planning Board Chairman

SJK:mn

Meeting called to order by Chair Keysa at 7:35PM. Motion was made by Michael Myszka to approve the minutes from the November 16, 2005 Planning Board Meeting. Motion was seconded by Steven Socha and unanimously carried.

Administrative Items -

Chair Keysa told the Planning Board that the 2006 budget was passed by the Town Board allowing for a 3 percent increase in compensation for the Planning Board members and the secretary to the Planning Board.

Planning Board Meeting Schedule for 2006 - Chair Keysa asked the Planning Board members to look over the proposed dates set for the 2006 Planning Board Meeting Schedule. A motion was made by Melvin Szymanski to accept the 2006 Planning Board Meeting Schedule as presented. Motion was seconded by Lawrence Korzeniewski and unanimously carried.

ACTION ITEMS -

INFORMAL PRESENTATION - FERRY BUILDERS, THE ANTONICELLI PROPERTY ON THE NORTH SIDE OF BROADWAY JUST EAST OF THE VILLAGE LINE. PROPOSING A SERIES OF FOUR APARTMENT BUILDINGS CONSISTING OF APPROXIMATELY 16 UNITS.

An informal presentation for this project was presented at the November 2, 2005 Planning Board meeting. At that time the Planning Board recommended eliminating the northernmost building due to its proximity to Plumb Bottom Creek.

Mark Sutton, Dean & Sutton Architects provided the Planning Board with a revised informal presentation of the proposed project on the 15-acre parcel located on the north side of Broadway, east of the Village line. This project lies south of Plumb Bottom Creek that cuts through this property. The project consists of four condominium buildings with four units in each building. Each unit would be approximately 1,000 sq.ft. with a basement and an attached garage. The units would be owner-occupied with a homeowners association. Mr. Sutton told the Planning Board that for this project to be feasible the fourth building is necessary. The revised plan shows four buildings with the northernmost building rotated. This plan reduces the setback from the adjacent R-1 properties from 50' to 25' which widens the usable part of the property, allowing for the rotation of the northernmost building, moving all the buildings forward, and allowing for adequate screening to the east and west. This proposed plan will require a variance from the Zoning Board of Appeals. The Planning Board recommended paving the northeast quadrant to provide this project with a turnaround. Mr. Sutton stated that the 1965 topography maps for this parcel indicate that the central part of this parcel was filled in. The Planning Board told Mr. Sutton that the topography maps for the adjacent parcels will also be needed for comparison. Once again, the Planning Board noted that rezoning this property could be considered spot zoning, although that might be offset by the Master Plan which calls for concentrating greater residential density along Broadway near the village line.

SITE PLAN REVIEW - COMMERCIAL DEVELOPMENT CONSISTING OF A PILOT TRAVEL CENTER AND POTENTIAL HOTEL LOCATED ON THE EAST SIDE OF TRANSIT ROAD, NORTH OF GENESEE STREET ACROSS FROM AERO DRIVE. PROJECT NO. 8200. CONTACT PERSON: JOSEPH CIPOLLA.

This project was heard as an informal presentation at the April 6, 2005 Planning Board meeting due to a communication from the Town Attorney advising that this project would require rezoning from CMS to GB.

Member Rebecca Anderson requested to go on the record as not having anything to do with this project in her capacity at the New York State Department of Environmental Conservation.

Joseph Cipolla, Bella Vista and Patrick Deptula, Pilot Travel Centers, presented to the Planning Board the site plan for the Pilot Travel Center and potential hotel located on the east side of Transit Road north of Genesee Street across from Aero Drive. Mr. Cipolla stated that in the interest of public reception, he wanted to clarify what this project is. Mr. Deptula explained to the Planning Board that Pilot Travel Center is the leader of the travel industry with 300 sites nationwide. He stated that Pilot Travel Center is a clean, safe, fast, friendly-serviced franchise that depends on customer loyalty, and that the majority of their business are auto customers. It is an "in and out" facility and not a "hang around" facility. They are considered to be very good neighbors. He also explained that trucks will not back up to Transit Road. The proposed plan promotes very good traffic flow within this project. This project would also add extra lanes on Transit Road resulting in better traffic flow on Transit Road. Trucks would not be allowed to idle for more than five minutes, and idling laws would be adhered to. Piping and underground tanks would exceed most guidelines including double-wall steel tanks.

Prostitution is not tolerated by Pilot Travel Center, and managers do a walk through of the entire facility on an hourly basis. Pilot Travel Centers strive to maintain good relations with local Police Departments. Mr. Cipolla told the Planning Board that a hotel is being proposed for the east portion of the parcel, and that a driveway will separate the two projects. There will be a minimum of 1,000 feet of greenspace between these projects and the neighboring residential areas, and the remaining 10.5 acres of this parcel will remain greenspace by agreement with the New York State Dept. of Environmental Conservation and the Erie County Dept. of Environment and Planning. The Planning Board expressed concerns regarding flooding of the tractor trailer area due to melting snow and rainfall. Chair Keysa also referred to com. 12-21-16 from Steven Doleski of New York State Dept. of Environmental Conservation in which he expressed numerous concerns with this project. Mr. Cipolla said that that he is aware of the 100-year floodplain. He also stated that this project will have minimum impact on the floodplains. He told the Planning Board that the concerns expressed by the NYSDEC are being addressed with supporting documentation. Chair Keysa stated that a more definitive letter will be required from Mr. Doleski of the NYSDEC regarding this project. Town Engineer Robert Labenski stated that a variance will be required from the Zoning Board of Appeals to fill in a floodplain and that the requirements of the permit must be met. Member Anderson stated that detention area water cannot mix with on-site water due to contaminants. Landscaping - Chair Keysa referred to com. 12-21-17 from Crew Chief Terrence McCracken stating that he would like to see the landscaping plan for this project. A lighting plan must also be submitted for this project.

DETERMINATION

At the request of the applicant, this project will be adjourned to the January 4, 2006 Planning Board meeting. The Planning Board is waiting for a more definitive letter from NYSDEC regarding this project. Motion made by Michael Myszka, seconded by Steven Socha and unanimously carried.

PRELIMINARY PLAT PLAN REVIEW - PLEASANT MEADOWS PATIO HOMES SUBDIVISION LOCATED ON PLEASANT VIEW DRIVE, EAST OF FORTON DRIVE. PROJECT NO. 7040. CONTACT PERSON: WILLIAM TUYN

William Tuyn, Greenmen-Pedersen, David DiPaulo and Victor Martucci presented to the Planning Board the preliminary plat plan for the 104 patio home development in the Pleasant Meadows Subdivision. Mr. Tuyn stated that the layout design for this project is exactly the same as the sketch plan and that the conditions that were stated at the October 19, 2005 Planning Board meeting have been met. The preliminary plat plan shows the following: 1. Five foot sidewalks on one side of the street; 2. Twenty-four foot wide asphalt roads with 18" L-shaped curbs; 3. Eighteen feet between the sidewalks and face of the garages. Mr. Tuyn told the Planning Board that the fence type for the cemetery has not been decided. The Planning Board stated that they would like to see the fence type prior to installation since fencing appropriate to the early 19th century was requested. Mr. Tuyn also stated that the common area will have trees around the perimeter, with foot paths, flower beds, a playground area, picnic tables, and a gazebo.

DETERMINATION

Based on the information presented to the Planning Board, John Gober made a motion to recommend approval of the preliminary plat plan to the Town Board with the condition that the Planning Board would like to see the period appropriate fence type prior to installation. Motion seconded by Lawrence Korzeniewski and duly carried by a vote of 6 ayes and one nay.

REZONE PETITION - 470 AURORA STREET, 87 FEET TO ALLOW THE PETITIONER TO CONTINUE USING THIS LAND AS AN ACCESSORY TO THE EXISTING BUSINESS (AURORA MARKET). PRESENT ZONING R-1, PROPOSED ZONING GENERAL BUSINESS. CONTACT PERSON: WASSIM ISSA

Attorney Ralph Lorigo presented to the Planning Board the rezone petition for 87 feet of land at 470 Aurora Street, in order for the petitioner to continue using this land as an accessory to the existing business - Aurora Market, which was built five years ago with Town Board approval. The present zoning is R-1, proposed zoning is General Business. Mr. Lorigo explained to the Planning Board that there is a lawsuit in Appellate Court regarding this parcel, and that the judge has ordered that the zoning on this parcel must be the same or the petitioner will be in contempt of court. Approval for this rezone must come from the Town Board. Mr. Lorigo told the Planning Board that there would be no change in the use of the 87 feet. It will remain an accessory to the existing business. Councilmember Stempniak stated that there currently is a refrigerated shed on this property that was not approved, so why wouldn't something else be put there without approval? Mr. Lorigo stated that the petitioner is willing to do whatever is necessary to have the 87 feet of land rezoned to avoid the contempt charge. He also told the Planning Board that if the 87 feet in question is not rezoned, plaintiffs want barriers put up to prevent the use of the land as an accessory to the existing business by court order. This will result in blocking the north end of the parking lot.

DETERMINATION

Based on the information provided to the Planning Board, Michael Myszka made a motion to recommend the approval of the rezone to the Town Board with the following conditions: 1.) Refrigerated shed on the property to be moved and not be within 40 feet of the north line or 25 feet of the east line; 2.) Air pump, telephone, and air vacuum not to be within 40 feet of the north line (existing minimal intrusions of 6" or less will be tolerated); 3.) Landscaping along the north line of the property to be approved by Crew Chief Terrence McCracken; 4.) Confirmation that there will be adequate parking as per the Building Inspector and to be striped when weather permits; 5.) No change in the use of the 87 feet rezone without returning to the Planning Board for approval. Motion seconded by Lawrence Korzeniewski and unanimously carried.

OTHER MATTERS

Master Plan - The Master Plan for the Town of Lancaster including the Village of Lancaster and the Village of Depew was prepared in 2000 by consultants with multiple pages of comments following. This plan was adopted by both the Planning Board and the Town Board. Chair Keysa told the Planning Board that he has spoken with Supervisor Giza and recommended to the Planning Board that the Master Plan and the comments be reworked into one document. The language would be integrated making the document easier to read. The reworking process to update by consulting with both villages would begin in 2006. The Planning Board budget would cover the cost of professional services. A motion was made by John Gober to recommend to the Town Board that the Master Plan for the Town of Lancaster including both villages with multiple pages of comments be reworked into one document. Motion was seconded by Michael Myszka and duly carried by a vote of 6 ayes with Chair Keysa abstaining from the vote.

At 9:55 PM Melvin Szymanski made a motion to adjourn the meeting. Motion seconded by John Gober and unanimously carried.

